

TEXAS COURT OF CRIMINAL APPEALS

No. PD-0941-17

FILED
COURT OF CRIMINAL APPEALS
3/13/2018
DEANA WILLIAMSON, CLERK

Christian Vernon Sims, Appellant

v.

State of Texas, Appellee

**On Discretionary Review from the Sixth Court of Appeals
No. 06-16-00198-CR**

**On Appeal from the 6th District Court, Lamar County
No. 26338**

Motion to Extend Time to File the Appellant's Brief

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Texas Bar No. 24048680
Attorney for Appellant**

To the Honorable Judges of the Texas Court of Criminal Appeals:

Attorney for Appellant files this motion to extend the time to file the Appellant's Brief:

I. Motion

1. On July 20, 2017, the Sixth Court of Appeals in [Sims v. State, No. 06-16-00198-CR, 2017 Tex. App. LEXIS 6681 \(Tex. App. Texarkana July 20, 2017\) \(designated for publication\)](#) affirmed the *Judgment of Conviction by Court – Waiver of Jury Trial* and sentence.

2. On October 30, 2017, Petitioner filed the petition for discretionary review ("PDR").

3. On February 14, 2018, this Court granted the PDR on Grounds 1 and 2.

4. The Appellant's Brief is due **March 16, 2018**.

5. Appellant requests an extension of **15 days** until **March 31, 2018** to file the Appellant's Brief.

6. No previous extension to file the Appellant's Brief has been filed.

7. Appellant is incarcerated.

8. Attorney for Appellant relies on the following facts as good cause: Attorney for Appellant was in a jury trial beginning February 12, 2018 in *United States v. Beach*, No. 3-16-CR-00472-N (N.D. Tex.), a complex bankruptcy fraud case. Since the jury trial ended on February 21, 2018, Attorney for Appellant

prepared a comprehensive motion for new trial under Fed. Rule Crim. Proc. 33 that was filed on March 7, 2018. Further, Attorney for Appellant is working on a motion for a judgment of acquittal in *Beach*, which is due (with the extension granted) on March 21, 2018.

9. Attorney for Appellant had also been preparing for a jury trial in *State v. Glavin*, No. 41062-CR (443rd Dist. Court Ellis Co.) (intoxication assault), set on March 19, 2018. That court today granted a continuance of the case.

10. And, on March 4, 2018, Attorney for Appellant filed the Reply Brief in *Beaty v. State*, No. 05-17-00287-CR (Tex. App. Dallas).

11. Further, Attorney for Appellant has been working on the following briefs, petitions for discretionary review, or other pleadings:

- Petition for discretionary review in *Ortiz v. State*, No. PD-0185-18 (Tex. Crim. App.) due March 20, 2018.
- Appellant's Brief in *Ghanbari v. State*, No. 05-18-00257-CR (Tex. App. Dallas) due March 30, 2018.
- Petition for discretionary review in *Crawford v. State*, No. PD-0225-18 (Tex. Crim. App.) due April 2, 2018.
- Petition for discretionary review in *Singh v. State*, Nos. PD-0226-18 & PD-0227-18 (Tex. Crim. App.) due April 6, 2018.

12. Thus, Attorney for Appellant requests the extra time to prepare the Appellant's Brief in this case.

13. Attorney for Appellant has the responsibility to provide Appellant with the effective assistance of appellate counsel, *see Evitts v. Lucey*, 469 U.S. 387, 392

(1985), and believes that that the additional time is necessary to provide such effective appellate counsel.

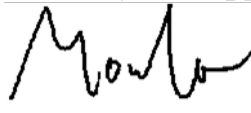
14. This Motion is not filed for purposes of delay, but so that justice may be served.

II. Prayer

Attorney for Appellant prays that this Court grant this motion to extend the time to file the Appellant's Brief.

Respectfully submitted,

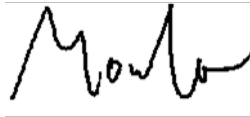
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A handwritten signature in black ink, appearing to read "Mowla", is enclosed in a rectangular box.

/s/ Michael Mowla
Michael Mowla

III. Certificate of Service

I certify that on March 13, 2018, this document was served on Gary Young and Jill Drake of the Lamar County District Attorney's Office by efile to gyoung@co.lamar.tx.us and jdrake@co.lamar.tx.us; on Jeff Shell by efile to jws0566@yahoo.com; and on Stacey Soule, State Prosecuting Attorney, and John Messinger, Assistant State Prosecuting Attorney, by efile to stacey.soule@spa.texas.gov, john.messinger@spa.state.tx.us, and information@spa.texas.gov. See [Tex. Rule App. Proc. 9.5 \(2018\)](#) and [Tex. Rule App. Proc. 68.11 \(2018\)](#).

A handwritten signature in black ink, appearing to read "Mowla", enclosed within a rectangular border.

/s/ Michael Mowla

Michael Mowla